CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-SECOND MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1969, at 10.30 a.m.

Chairman: Mr. Z. ERENDOO (Mongolia)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

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PRESENT AT THE TABLE

Argentina:	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
Czechoslovakia:	Mr. T. LAHODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Japan:	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO

Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. Z. ERENDOO
	Mrs. D. BALJINNYAM
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. GEORGESCO
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
	Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General	Mr. W. EPSTEIN

1. The CHAIRMAN (Mongolia): I declare open the 442nd plenary meeting of the Conference of the Committee on Disarmanent.

2. Before calling on the first speaker I should like, with the consent of the Committee, to discharge a very pleasant duty. This being the first plenary meeting of the Committee since the commencement of the historic experiment now being carried out by a large group of Soviet cosmonauts in outer space, I should like to congratulate warmly Ambassador Roshchin and the Soviet delegation, as well as the Government and people of their great country, on this brilliant exploit. According to reports, this experiment will lead to the beginning of man's real creative and constructive work in outer space and thus open a new era in the efforts for the peaceful conquest of that challenging domain. We wish those brave space-builders good luck, every success and a happy landing.

3. Mr. NAKAYAMA (Japan): First of all I should like to associate myself with those representatives who have spoken earlier in congratulating our co-Chairmen on their achievement in submitting to us the text of a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). I should like to thank the co-Chairmen for their dedicated efforts which have made this important development possible. We believe that this draft treaty will serve as a useful basis for discussion and negotiation. We are prepared to continue to co-operate in formulating a text acceptable to all States parties concerned.

4. Our preliminary views on the question of the prevention of the arms race on the sea-bed were presented by Mr. Asakai at the meeting of the Committee on 17 July, in which he said:

> "It is our appeal to members of this Committee that we should try our utmost to explore every opportunity to diminish and to eliminate the terrors of nuclear weapons. We have such an opportunity now, right under our feet -- on the sea-bed and the ocean floor. All that leads us to our primary consideration of what we ought to do now: stop the spread of the nuclear arms race to the sea-bed and the ocean floor, whether it be under the high seas or under the territorial seas."
>
> (ENDC/PV.420, para.7)

In the light of that basic stand I wish to comment on the draft treaty.

(Mr. Nakayama, Japan)

5. I shall start with the scope of military activities to be prohibited. Paragraph 1 of article I of the draft treaty prohibits the emplanting or emplacing of any objects with nuclear weapons and other weapons of mass destruction on the sea-bed. We are glad to see that the co-Chairmen have come to an agreement on a measure to diminish the terrors of nuclear weapons. However, this stipulation should not mean the end of our further efforts in this field of disarmament. In this connexion we welcome the third preambular clause, which stipulates that the States parties to the treaty are -

> "Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and determined to continue negotiations concerning further measures leading to this end," (CCD/269)

The Japanese Government, too, thinks that we should continue our efforts towards the enlargement of the scope of prohibition after this treaty has come into force.

6. I should like now to proceed to the geographical area to be covered by the treaty. Paragraph 1 of article I of the draft treaty exempts the sea-bed, the ocean floor and the subsoil thereof within twelve miles of the coast of a State from the area of prohibition. Mr. Asakai asserted on 17 July that the treaty should cover the entire area of the sea-bed and the ocean floor (ENDC/PV.420, para.14). However, a number of the members of this Committee have pointed out the difficulties involved in the verification to be carried out under the territorial sea. Although our views have not changed, we do not wish to delay unduly the conclusion of this treaty by our insistence on that point. However, we have no intention of emplanting or emplacing nuclear weapons on the sea-bed under our territorial sea in accordance with our fundamental policy in the nuclear field. We earnestly hope that other States also will voluntarily abstain from emplanting or emplacing nuclear weapons on the sea-bed under their territorial seas until such time as the sea-bed under the territorial sea is covered by the treaty.

7. Having said that, I now venture to draw the attention of the Committee to the fact that paragraph 1 of article I of the draft treaty is ambiguous enough to lead to the possible misinterpretation that a State may emplant or emplace nuclear weapons on the sea-bed between three and twelve miles off the coast of any other State which adheres to the three-mile territorial sea limit, because paragraph 1 of article I of the draft

(Mr. Nakayama, Japan)

treaty does not clearly stipulate that only the coastal State may emplant or emplace nuclear weapons on the sea-bed within its own maximum contiguous zone. To forestall such a possibility it would be a good idea to add a clause making the undertakings in paragraph 1 of this article apply also to the maximum contiguous zone of any other State within the "gap" just referred to.

8. Another problem to be solved is that which arises where the coasts of two States are opposite or adjacent to each other and the distance between the coastal lines of each of the two States is less than twenty-four miles. The 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone[1/] provides in article 24, paragraph 3 that in such case neither of the two States is entitled, failing agreement to the contrary, to extend its contiguous zone beyond the median line. However, from the standpoint that the treaty should cover as large an area of the sea-bed and the ocean floor as possible, we think it desirable that in this case the area to be covered by the treaty should be all the sea-bed.

9. We welcome the clear stipulation in paragraph 1 of article II of the draft treaty with regard to the baseline. The areas to be covered by the treaty will be measured from the baseline drawn in the manner specified in section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. In that context we understand that the question of certain marginal waters which will arise from the implementation of the Geneva Convention and will have an important bearing on the faithful observance of the present treaty will be decided in each specific case in accordance with the rules of international law.

10. Let me now turn to the problem of verification. In the light of present technological standards we shall have to be content with the observation and consultation procedures provided for in article III of the draft treaty. We welcome paragraph 2 of article III, which guarantees that less technologically developed States will share in the verification procedures with the assistance of more advanced States; and we hope that the procedures of verification, including the setting up of international mechanism, will be examined in the light of technological developments and experience.

1/ United Nations Treaty Series, vol.516, pp. 221-223.

(Mr. Nakayama, Japan)

11. Finally, with regard to the amendment clause I wish to emphasize that article IV of the draft treaty, which gives the nuclear-weapon States privileged status, is not appropriate. The representative of the United States explained that this provision followed the precedent of the limited test-ban Treaty (ENDC/100/Rev.1).
We propose that the amendment provision of this treaty should be taken from the outer-space Treaty, which stipulates in article XV that -

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it." (General Assembly resolution 2222 (XXI), Annex)

12. Before I conclude my remarks, let me recall the statement made by Mr. Leonard of the United States on 7 October, in which he said "We shall need to consider the possibility of changes in the text." (CCD/PV.440, para.22) My delegation sincerely hopes that the above observations of my Government on the draft treaty will be taken into account and duly reflected in the revised draft treaty to be submitted at a later stage.
(spoke in French)

13. I should like to join the Chairman in congratulating the delegation of the USSR on the magnificent feat now being performed by the Soviet cosmonauts. I sincerely hope that the success of their exploit will contribute to world peace.

14. Mr. ESCHAUZIER (Netherlands): First of all I should like to associate myself with the words of admiration and warm appreciation which you, Mr. Chairman, and the previous speaker, the representative of Japan, have expressed on the occasion of the latest exploit of the Soviet cosmonauts. Our wholehearted congratulations go to Ambassador Roshchin and the Government and the people of the Soviet Union. Since my compatriot Hugo de Groot wrote his famous treatise "Mare liberum" in 1609, concepts of freedom and freedom in restraint -- speaking generally -- have not remained unaffected by the unforesoon developments in society, science and technology. This also applies to activities in that part of our globe which originally derived its main importance from being a means of communication between countries and continents but which ..

(Mr. Eschauzier, Netherlands)

nowadays has become an area for extensive exploration and exploitation for peaceful purposes and has also proved to be valuable for military uses.

15. My delegation is grateful that after elaborate negotiations the two co-Chairmen of this Committee have reached agreement on a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). We congratulate the two co-Chairmen upon this achievement. Although we recognize that this agreement represents only a step on the long and arduous road towards our final goal of general and complete disarmament, its significance should certainly not be minimized.

16. We also welcome the draft treaty as a sign of the willingness of the two main nuclear Powers to set certain limitations to their military capabilities in the nuclear field, thereby confirming and starting to fulfil the undertaking laid down in article VI of the non-proliferation Treaty (ENDC/226*), to wit: to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race. My delegation notes with satisfaction the third preambular paragraph, which expresses the determination of the two sponsors of the draft treaty to continue negotiations concerning further measures leading to the exclusion of the sea-bed and the ocean floor from the arms race.

17. I do not intend to dwell at length on the philosophy or criteria which govern or ought to govern a possible draft treaty. On this occasion I will merely indicate certain points which according to my delegation are not fully covered by the present draft or which could be improved.

18. I take it that in articles I and II the expressions "maximum contiguous zone" and "outer limit" of that zone should be interpreted as "not extending beyond twelve miles from the baseline from which the breadth of the territorial sea is measured" in accordance with part II, article 24, paragraph 2, of the Geneva Convention on the Territorial Sea and the Contiguous Zone[1/]. Perhaps it would be advisable also to mention that article in addition to part I, section II of the Convention.

1/ United Nations Treaty Series, Vol. 516, p.221.

(Mr. Eschauzier, Netherlands)

19. At this juncture I should like to associate myself with Mr. Caracciolo's observation (CCD/PV.441, para.44) that, in the event of further measures of arms control or disarmament on the sea-bed and the ocean floor, the present "geographical area" as defined in articles I and II of the draft treaty may have to be reconsidered.

20. As to article I we share the opinion of Mr. Nakayama, since we consider it to be an omission in the present draft treaty that it does not make clear that only the coastal State or such other States as are authorized by the coastal State would be entitled to emplant or emplace weapons of mass destruction within its contiguous zone. This omission creates again the well-known "gap" problem for those coastal States which, like my own country, do not claim territorial waters coincident with a contiguous zone of twelve miles. Therefore it is also the opinion of my delegation that it is preferable to avoid any ambiguity or vagueness on this point.

21. In his intervention on 7 October Mr. Leonard stated that the treaty does not affect the conduct of peaceful nuclear explosions (CCD/PV.440, para.26). In the present context and with regard to -- and here I quote from the partial test-ban Treaty, article I -- "any other nuclear explosion" (that is, which is not a nuclear weapon test explosion), I interpret that remark as a confirmation that the present draft treaty would have no effect on the partial test ban embodied in the Moscow Treaty of 1963 (ENDC/100/Rev.1), which remains fully intact.

22. My delegation attaches great importance to the words "and in accordance with international law" in article II, paragraph 1. This throws into relief the fact that coastal States cannot arbitrarily determine the outer limit of the zone referred to in article I to which the prohibition on emplacing weapons of mass destruction does not apply.

23. Let me now turn to the issue of verification. We listened with great interest to the statements on 9 October of Mr. Ignatieff (CCD/PV.441) and Mr. Caracciolo (ibid., paras. 32-41); and we have also studied carefully the Brazilian working documents ENDC/264 and CCD/267. We agree with the argument that the draft treaty is by its nature of primary concern to the nuclear Powers, but we also see the relevancy of many of the arguments put forward by others and recently so clearly expressed in the intervention of Mr. Caracciolo to which I have just referred. We therefore share

(Mr. Eschauzier, Netherlands)

the view that some form of internationalization of the verification procedure would be desirable. In our opinion this could be achieved, inter alia, by adding to article III a special reference to the already existing right of States parties to the treaty to have recourse to the Security Council in case of failure to co-operate.

24. In principle we see merit also in the Canadian proposal that coastal States should be notified of the initiation of verification procedures on the continental shelf of those States (CCD/270, para. 6(b)). The modalities of such a procedure are still to be examined more closely and should in our opinion be limited to special situations which clearly differ from observations of a routine character. We have taken note of the Canadian view that coastal states should be associated with verification only in a manner acceptable to both parties (CCD/PV.441, para.20). In this connexion we should like to state that in our view the practical problems arising with regard to verification in the environment of the sea-bed and the ocean floor are not fully comparable with those of verification procedures on the territories of sovereign states -- for instance, the safeguards or control measures of the International Atomic Energy Agency which are being discussed in the context of a comprehensive test ban.

25. I come now to another point: the review conference. In the draft treaty submitted by the United States on 22 May (ENDC/249) such a review conference was foreseen. Its purpose would be to review the operation of the treaty in order to ensure that the objectives of the preamble and the provisions of the treaty were being realized. Because of the accelerated pace at which technological developments take place, we believe that provision for a review conference similar to that provided for in the non-proliferation Treaty might serve a useful purpose. A too static approach could prove to be an impediment to the achievement of the very objectives on which we have set our sights. My delegation therefore joins others in the plea to the co-Chairmen to reconsider that point.

(Mr. Eschauzier, Netherlands)

26. Our views with regard to the right of veto for nuclear Powers in the case of amendment of the treaty are not as strong as those expressed by many others in this Committee; but we can understand the argument that nuclear Powers do not need a special right of veto because the possibility of withdrawal is open to any State if it decides that its supreme interests are at stake. We believe, on the other hand, that a treaty -- and any amendments thereto -- such as the one before us will only acquire its full significance and meaning if it is accepted and adhered to by all nuclear States.

27. Those are my preliminary remarks. In the course of our further debate I may take another opportunity to pursue my delegation's views on other aspects of the draft treaty.

28. Mr. ECOBESCO (Romania) (translation from French): On behalf of the Romanian delegation I should like to express our warmest congratulations to the delegation of the Union of Soviet Socialist Republics on the latest achievement in space of Soviet science and technology. The group flight of the three Soyuz space ships with the seven cosmonauts aboard represents a further step forward of considerable importance in the conquest of outer space by man and for the benefit of man. We wish every success to the Soviet cosmonauts in the mission assigned to them, and look forward to their safe return to earth.

29. Having been called by my Government to undertake other functions, I shall be leaving Geneva tomorrow. Before doing so I should like to say how much I have appreciated the spirit of co-operation and understanding which inspires the work of this Committee, the workmanlike and friendly atmosphere, the cogency of the arguments advanced, the moderation of the language in the discussions, the many informal contacts and the frankness which is peculiar to them. For the co-operation and the excellent relations which have been so happily established between us I should like to express my sincere thanks to the co-Chairmen of the Committee, Ambassador Roshchin and Ambassador Leonard, to all heads of delegation and to the representative of the Secretary-General, Mr. Protitch, and his assistant Mr. Epstein. The wealth of experience, the great knowledge, the wisdom and the clearsightedness which all have displayed have touched me very deeply and have been for me an example worth following as well as a powerful source of inspiration.

(Mr. Ecobesco, Netherlands)

30. My thoughts go also to the experts of the delegations and those of the Secretariat — how could I forget that it was in that capacity that I began my work here? — and to all those who, whatever their functions, interpreters, translators, verbatim reporters and typists, each day make such an important contribution to the smooth progress of the work of the Committee.

31. With the assurance that I shall keep the happiest memories of my participation in the work of this Committee, I wish you every success in your future efforts dedicated to the achievement of new agreements on disarmament. I wish all members of the Committee and their families good health, happiness and prosperity.

32. The CHAIRMAN (Mongolia): I am sure that I am expressing the sentiments of all members of the Committee when I say how much we regret the departure of Ambassador Ecobesco. I wish him every success in the important new post which he will soon be taking up, and a happy journey to his home.

33. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Allow me to thank you, Mr. Chairman, and the representatives of Japan, the Netherlands and Romania, Ambassador Nakayama, Ambassador Eschauzier and my very good friend Ambassador Ecobesco, for the congratulations that have been expressed in connexion with the launching by the Soviet Union of three spaceships with cosmonauts aboard, and for the good wishes for their safe return at the end of their flights. We shall be glad to inform our capital of the congratulations and good wishes expressed by members of the Committee.

34. Allow me also, Mr. Chairman, to associate myself with the words of congratulation addressed by you to our colleague Ambassador Ecobesco, and to thank him for the kindly words he expressed to the members of the Committee and the co-Chairmen and for his good wishes for the success of our work. We should also like to wish him every success in his new field of activity in the high post to which he has been appointed on leaving his post as representative of Romania in the Committee on Disarmament. Allow me to express the hope that the interest which Ambassador Ecobesco has always shown in the questions which have been under consideration by the Committee will not be any the less when he has ceased to represent his country in the Committee.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 442nd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Zagaryn Erendoo, representative of Mongolia.

"Statements were made by the Chairman and by the representatives of Japan, the Netherlands, Romania and the Union of Soviet Socialist Republics.

"The next meeting of the Conference will be held on Thursday, 16 October 1969, at 10.30 a.m."

The meeting rose at 11.10 a.m.